

SCOPE & LIMITATIONS OF SERVICE

The Victims' Rights Enforcement Officer takes complaints from individuals who allege violations of their rights under Arizona Revised Statutes (A.R.S.) Title 13 Chapter 40, or Title 8, Chapter 3 Article 7, Arizona's victims' rights laws. The Enforcement Officer makes an initial determination based on complainants' statements as to whether there *appears* to have been a violation of any of these laws.

The Attorney General's Office of Victim Services is legally empowered pursuant to A.R.S. § 41-191.06 to disburse Victims' Rights Fund (VRF) monies, and to adjust funding levels, redistribute monies, or deny continued funding to an entity that fails to effectively implement or comply with victims' rights mandates.

The Enforcement Officer may inquire into an alleged violation only after the complainant has exhausted reasonable avenues of relief with an involved agency.

The Enforcement Officer is not an attorney and cannot give legal advice.

The Enforcement Officer has no authority to interfere with a criminal investigation or to review decisions about how, or whether, to proceed with a case, or to direct the actions of government agencies.

OFFICE OF ARIZONA ATTORNEY GENERAL
TERRY GODDARD
www.azag.gov

VICTIMS' BILL OF RIGHTS

Victims of crime and delinquency in the State of Arizona have a number of rights guaranteed by the State Constitution, including a right:

To be treated with fairness, respect and dignity, and to be free from intimidation, harassment or abuse throughout the criminal justice process.

To be informed, upon request, when the accused or convicted person is released from custody or has escaped.

To be present at and, upon request, to be informed of all criminal proceedings when the defendant has the right to be present.

To be heard at any proceeding involving a post-arrest release decision, a negotiated plea and sentencing.

To refuse an interview, deposition or other discovery request by the defendant, the defendant's attorney, or other person acting on behalf of the defendant.

To confer with the prosecutor, after charges have been filed, before trial, or before any disposition of the case, and to be informed of the disposition.

To receive a copy of the Presentence Report relating to the crime, when it is available to the defendant.

To receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury.

To be heard at any proceeding when any post-conviction release from confinement is being considered.

To a speedy trial or disposition, and a prompt and final conclusion of the case after the conviction and sentence.

To have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights, and to have these rules be subject to amendment or repeal by the Legislature to ensure the protection of these rights.

To be informed of victims' constitutional rights.
— Arizona Constitution Article II, Section 2.1



OFFICE OF
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VICTIMS' RIGHTS ENFORCEMENT

*...for Victims
of Crime and Delinquency*

*in Arizona, and
the Governmental Agencies
in the State that Serve Them*

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*learn more about
victims' rights on
the internet at
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THE ENFORCEMENT PROGRAM

The mission of the **Arizona Attorney General's Office of Victim Services** is to promote and facilitate justice and healing for Arizona's crime victims, and to support criminal and juvenile justice system entities, statewide, in the administration of victims' rights laws.

To that end, the Office employs a **Victims Rights Enforcement Officer** who promotes compliance with victims' rights mandates by 1) conducting performance audits of agencies; 2) receiving and responding to victims' complaints and allegations of victims' rights violations; and 3) when warranted, recommending fair and appropriate resolutions to complaints.

The Victims' Rights Enforcement Officer is a person to whom victims can turn with concerns of victims' rights violations by criminal or juvenile justice entities.

The Victims' Rights Enforcement Officer is a person to whom victim advocates and justice practitioners can turn for assistance in complying with victims' rights.

The Victims' Rights Enforcement Officer is not a victim advocate, but an advocate for compliance with victims' rights, which at times can have the same effect as advocating for victims. However, the Victims' Rights Enforcement Officer receives and examines complaints in an unbiased manner, aiding in their resolution by 1) understanding both the spirit and the letter of the law, 2) using knowledge of agency implementation practices, and 3) showing concern for both victim satisfaction and agency practicalities.

IF YOU ARE A VICTIM AND YOU BELIEVE YOUR RIGHTS HAVE BEEN VIOLATED

Usually, the quickest and most effective way to solve any problem is to discuss it directly with the party involved. Resolving allegations of victims' rights violations is no different. Typically, an agency will be

able to provide an explanation for what happened or will be able to take action to quickly resolve the problem.

If talking directly with the party involved in what happened (or has not happened) does not result in a satisfactory outcome, you may want to discuss the matter with the Arizona Attorney General's *Victims' Rights Enforcement Officer*.

If you are a victim of a crime or delinquent act and have unresolved questions about your rights, or have a complaint regarding the criminal or juvenile justice system, you may contact the *Victims' Rights Enforcement Officer*.

IF YOU ARE A JUSTICE SYSTEM ENTITY WITH STATUTORILY MANDATED RESPONSIBILITIES TO VICTIMS

You should know the obligations conferred upon your agency under the law in order to ensure victims' rights.

If you have concerns about your agency's provision of victims' rights services or would like technical assistance to facilitate effective services to victims, you may seek the assistance of the Attorney General's *Victims' Rights Enforcement Officer*.

If you would like the assistance of a neutral third party to facilitate resolution of a victim complaint, you might consider calling the Victims' Rights Enforcement Officer.

WHAT CAN THE VICTIMS' RIGHTS ENFORCEMENT OFFICER DO FOR ME?

For victims

- Facilitate resolution of problems with criminal and juvenile justice entities;
- Promote participation in the justice process in furtherance of healing;
- Help ensure justice is served through upholding victims' rights;
- Identify gaps in victims' rights services, unintended (negative) consequences or non-uniform application of victims' rights laws.

For criminal and juvenile justice entities

- Promote accountability;
- Provide support and technical assistance to assist agencies in performing mandated victims' rights duties;
- Recommend changes to ameliorate problems;
- Exonerate agencies from unjustified criticism when alleged violations are unfounded;
- Provide agencies with sample policies and procedures and form letter models;
- Provide feedback about areas in which agencies could improve, as well as areas in which agencies excel.